REMARKS

This application pertains to a novel pressure sensitive adhesive composition which has an at least two phase domain structure.

Claims 1-14 are pending.

The Examiner has imposed a restriction requirement between claims 1-6 and 13, drawn to an adhesive material (denoted Group I by the Examiner) and claims 7-10 and 24, drawn to the process of producing the adhesive (denoted Group II by the Examiner) and Applicants have elected Group I (claims 1-6 and 13), with traverse.

Accordingly, the claims presently under examination are claims 1-6 and 13.

Claims 1-6 and 13 stand provisionally rejected for obviousness type double patenting over claims 1, 2 and 11 of copending application Serial No. 10/077,658.

It is respectfully requested that this provisional double patenting rejection be held in abeyance until such time as it can be determined which application shall issue first. At that time, Applicants will consider an appropriate terminal disclaimer.

Claims 1-6 and 13 stand rejected under 35 USC 103(a) as obvious over JP 11199832 or Pakusch et al (US Patent 6,552,116).

Applicants would respectfully point out once again, that their pressure sensitive adhesive composition has an at least two phase domain structure.

Although the Examiner contends that JP '832 discloses a PSA composition having a two phase domain structure, the Examiner has not shown this to be the case. On page 5 of the Office Action the Examiner argues that since JP '832 discloses a monoethylenic unsaturated monomer (a2) which is copolymerizable with the ester (a1) that it would be obvious to one skilled in the art to consider that a monoethylenic

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unsaturated monomer (a2) is present in the amount of at least a positive number for the purpose of forming a second phase structure because a monoethylenic unsaturated monomer (a2) can be selected from the amount of 0 to 30 weight percent.

However, the Examiner has not shown anything that would even remotely suggest that the hypothetical composition to which she refers would, in fact, have an at least two phase domain structure. Nothing in the JP '832 reference teaches or suggests this.

With respect to Pakusch, the Examiner contends that Pakusch discloses a multi-stage emulsion polymer containing at least one first domain having a Tg of from -10 to +40 degrees C and at least one second domain having a Tg of from +50 to 120 degrees C.

The Pakusch reference specifically concerns a "multi-stage emulsion polymer."

The multi-stage emulsion polymer of the Pakusch reference is useful as a water based coating composition (see column 6, line 54 through column 7, line 17). Nowhere in the Pakusch reference is there any suggestion made about anything that is even remotely related to pressure sensitive adhesive compositions.

Therefore, inasmuch as JP '832 does not teach or suggest anything at all about any composition having a two phase domain, and Pakusch does not teach or suggest anything at all about a pressure sensitive adhesive, neither of these references could fairly be seen as rendering Applicants' claims obvious. Accordingly, the rejection of claims 1-6 and 13 under 35 USC 103(a) as obvious over JP 11199832 or Pakusch US Patent 6,552,116 should now be withdrawn.

Claims 1-6 and 13 stand rejected under 35 USC 103(a) as obvious over Pakusch in view of Haak US Patent 6,126,865. The Examiner relies on the Haak reference for a

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teaching of an outgassing property.

However, Applicants' claims are not directed to "an outgassing property" in the same sense that the Examiner is using it. More specifically, Applicants' claims are directed toward a self-adhesive composition which has an outgassing level of less than 10 µg/g. Nothing in either Pakusch or Haak would teach or suggest that such a low outgassing level could be attainable for their compositions by any means at all.

In addition, the Pakusch reference does not have anything to do with a pressure sensitive adhesive. Accordingly, the Haak reference would never be combined with Pakusch in the first place. Furthermore, even if Haak were to be combined with Pakusch, nothing in this combination of references would ever suggest a pressure sensitive adhesive having an at least two phase domain and an outgassing level of less than 10µg/g. Accordingly, the rejection of claims 1-6 and 13 under 35 USC 103(a) is obvious over Pakusch in view of Haak should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-6 and 13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our

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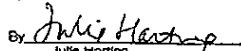Deposit Account No. 14-1263.

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Respectfully submitted

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By _____
Julie Harting
Date ____November 7, 2003____

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